

CLOSED

**U.S. District Court
Western District of Wisconsin (Madison)
CIVIL DOCKET FOR CASE #: 3:09-cv-00376-wmc**

Kromrey, Mark v. U.S. Department of Justice
Assigned to: District Judge William M. Conley
Referred to: Magistrate Judge Stephen L. Crocker
Case in other court: 10-02941
Cause: 05:552 Freedom of Information Act

Date Filed: 06/18/2009
Date Terminated: 07/19/2010
Jury Demand: None
Nature of Suit: 890 Other Statutory
Actions
Jurisdiction: U.S. Government Defendant

Plaintiff**Mark Kromrey**

represented by **Mark Kromrey**
926 Park Ridge Road
Janesville, WI 53546
PRO SE

V.

Defendant

U.S. Department of Justice
TERMINATED: 06/25/2010

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Date Filed	#	Docket Text
06/16/2009	<u>1</u>	COMPLAINT against U.S. Department of Justice (Filing fee \$ 350 receipt number 4637.), filed by Mark Kromrey. (Attachments: # <u>1</u> Letter from Janice McLeod, # <u>2</u> First Fax to FBI, # <u>3</u> Fax Oct. 2001, # <u>4</u> Intro Letter,

		# <u>5</u> Psychological Issues, # <u>6</u> Email to Lindamayer, # <u>7</u> Ebay Docs, # <u>8</u> Email from Kamarck, # <u>9</u> Correspondence with Paul Ryan, # <u>10</u> Cover Letter, # <u>11</u> Envelope) (eds) Modified on 6/18/2009 (eds). (Entered: 06/18/2009)
06/19/2009	<u>2</u>	Initial Order for Paid Pro Se: Plaintiff directed to serve complaint. Proof of service to be submitted by 8/17/2009. Plaintiff to file signed copy of complaint by 6/30/09 or case to be closed without prejudice. Signed by Chief Judge Barbara B. Crabb on 6/19/09. (elc),(ps) (Entered: 06/19/2009)
06/30/2009	<u>3</u>	Letter dated 6/22/09 from Plaintiff Mark Kromrey. (Attachments: # <u>1</u> Envelope). (jef),(ps) (Additional attachment(s) added on 6/30/2009: # <u>1</u> Envelope) (jef). (Entered: 06/30/2009)
06/30/2009	<u>4</u>	Signature page to <u>1</u> Complaint by Plaintiff Mark Kromrey. (jef),(ps) (Entered: 06/30/2009)
07/02/2009	<u>5</u>	Letter from court in response to <u>3</u> Letter dated 6/22/09 from Plaintiff Mark Kromrey. (elc),(ps) (Entered: 07/02/2009)
07/21/2009	<u>6</u>	PROOF OF SERVICE by Plaintiff Mark Kromrey. (Attachments: # <u>1</u> Cover Letter, # <u>2</u> Envelope) (jef),(ps) (Entered: 07/23/2009)
08/20/2009	<u>7</u>	MOTION to Dismiss for Lack of Jurisdiction <i>and Insufficient Process</i> by Defendant U.S. Department of Justice. (Attachments: # <u>1</u> Certificate of Service) (Humphrey, Richard),(ps) (Entered: 08/20/2009)
08/20/2009	<u>8</u>	BRIEF in Support by Defendant U.S. Department of Justice re: <u>7</u> MOTION to Dismiss for Lack of Jurisdiction <i>and Insufficient Process</i> filed by U.S. Department of Justice (Humphrey, Richard),(ps) (Entered: 08/20/2009)
08/20/2009	<u>9</u>	DECLARATION of Richard D. Humphrey, AUSA filed by Defendant U.S. Department of Justice re: <u>7</u> MOTION to Dismiss for Lack of Jurisdiction <i>and Insufficient Process</i> filed by U.S. Department of Justice (Humphrey, Richard),(ps) (Entered: 08/20/2009)
08/20/2009		Set Deadlines as to <u>7</u> MOTION to Dismiss for Lack of Jurisdiction <i>and Insufficient Process</i> . Plaintiff's Brief in Opposition due by 9/10/2009. Defendant's Brief in Reply due by 9/21/2009. (elc),(ps) (Entered: 08/20/2009)
08/25/2009	<u>10</u>	MOTION to Refile Summons by Plaintiff Mark Kromrey. (Attachments: # <u>1</u> Envelope) (jef),(ps) (Entered: 08/25/2009)
08/26/2009	<u>11</u>	Exhibit #1 to <u>9</u> Declaration filed by U.S. Department of Justice. (Humphrey, Richard),(ps) CONTACTED FILER; ASKED FOR CERT. OF SERVICE. Modified on 8/27/2009 (mmo). (Entered: 08/26/2009)
08/26/2009	<u>12</u>	Exhibit #2 to <u>9</u> Declaration filed by U.S. Department of Justice. (Humphrey, Richard),(ps) CONTACTED FILER; ASKED FOR CERT. OF SERVICE. Modified on 8/27/2009 (mmo). (Entered: 08/26/2009)
08/27/2009	<u>13</u>	ORDER denying <u>7</u> Motion to Dismiss ; granting <u>10</u> MOTION for to Re-serve Summons. Plaintiff to serve the signed and sealed summonses and his complaint with its attachments on defendant in accordance with Fed. R. Civ. P. 4(i) and file proof of service as soon as service has been accomplished. Signed by Chief Judge Barbara B. Crabb on 8/26/09. (elc),(ps) (Entered: 08/27/2009)
08/27/2009		Summons Issued as to U.S. Department of Justice; U.S. Attorney General; U.S. Attorney, WDVI; Materials returned to plaintiff for service. (eds/mh),(ps) (Entered: 08/27/2009)
09/08/2009	<u>14</u>	CERTIFICATE OF SERVICE by Defendant U.S. Department of Justice re <u>12</u> Exhibit, <u>11</u> Exhibit (Humphrey, Richard),(ps) (Entered: 09/08/2009)

10/13/2009	<u>15</u>	Certified Mail Return Receipt sent to U.S. Attorney, U.S. Attorney General, U.S. Department of Justice. (Attachments: # <u>1</u> Envelope) (jef),(ps) (Entered: 10/14/2009)
10/30/2009	<u>16</u>	ANSWER by Defendant U.S. Department of Justice. (Attachments: # <u>1</u> Certificate of Service) (Humphrey, Richard),(ps) (Entered: 10/30/2009)
10/30/2009		Set Pretrial Conference: Pretrial Conference set for 11/24/2009 at 09:00 AM before Magistrate Judge Stephen L. Crocker. Plaintiff responsible for contacting the court at (608) 264-5153. Once plaintiff's call has been received, the court will then include counsel for defendant in the conference call. [<u>Notice Regarding the Telephone Preliminary Pretrial Conference</u> attached] (eds),(ps) (Entered: 10/30/2009)
11/25/2009		Minute Entry for proceedings held before Magistrate Judge Stephen L. Crocker: Telephone Preliminary Pretrial Conference – Pro Se held on 11/24/2009 [:27] (cak),(ps) (Entered: 11/25/2009)
11/30/2009	<u>17</u>	PRETRIAL CONFERENCE ORDER – Amendments to Pleadings due by 1/11/2010. Dispositive Motions due by 3/22/2010. Court Trial set for 8/23/2010 at 09:00 AM. Signed by Magistrate Judge Stephen L. Crocker on 11/30/09. (elc),(ps) (Entered: 11/30/2009)
12/08/2009	<u>18</u>	MOTION to Amend <u>1</u> Complaint by Plaintiff Mark Kromrey. (Attachments: # <u>1</u> Certificate of Service, # <u>2</u> Envelope) (jef),(ps) (Entered: 12/10/2009)
12/08/2009	<u>19</u>	PROPOSED AMENDED COMPLAINT dated 7/27/09 – <u>unsigned</u> against U.S. Department of Justice, filed by Mark Kromrey. (jef),(ps) Modified on 12/10/2009 (jef). (Entered: 12/10/2009)
12/08/2009	<u>20</u>	Supplement to <u>19</u> Proposed Amended Complaint filed by Mark Kromrey. (jef),(ps) (Entered: 12/10/2009)
12/08/2009	<u>21</u>	Second Supplement to <u>19</u> Proposed Amended Complaint filed by Mark Kromrey. (jef),(ps) (Entered: 12/10/2009)
12/08/2009	<u>22</u>	DECLARATION of Mark Kromrey filed by Plaintiff Mark Kromrey re: <u>18</u> MOTION to Amend <u>1</u> Complaint, filed by Mark Kromrey. (Attachments: # <u>1</u> Miscellaneous exhibits) (jef),(ps) (Entered: 12/10/2009)
12/08/2009	<u>23</u>	DECLARATION of Mark Kromrey filed by Plaintiff Mark Kromrey re: <u>18</u> MOTION to Amend <u>1</u> Complaint, filed by Mark Kromrey (Attachments: # <u>1</u> Miscellaneous exhibits) (jef),(ps) (Entered: 12/10/2009)
01/26/2010	<u>24</u>	ORDER staying <u>18</u> Motion to Amend Complaint. Signed by Magistrate Judge Stephen L. Crocker on 1/26/2010. (eds),(ps) (Entered: 01/26/2010)
01/26/2010		Set Deadlines: Proposed amended complaint due 2/11/2010. (eds),(ps) (Entered: 01/26/2010)
02/01/2010	<u>25</u>	AMENDED COMPLAINT by Plaintiff Mark Kromrey. (Attachments: # <u>1</u> Certificate of Service, # <u>2</u> Envelope) (jef),(ps) Modified on 3/8/2010 (eds). (Entered: 02/02/2010)
02/01/2010	<u>26</u>	Response re: <u>24</u> Order by Plaintiff Mark Kromrey. (jef),(ps) (Entered: 02/02/2010)
03/08/2010	<u>27</u>	ORDER granting <u>18</u> Motion to Amend Complaint. Proposed Amended Complaint <u>25</u> is the operative pleading. Plaintiff has until 4/12/2010 to advise the court in writing what steps he has taken to serve defendant Dolenz. Signed by Magistrate Judge Stephen L. Crocker on 3/5/2010. (eds),(ps) (Entered: 03/08/2010)
03/08/2010	<u>28</u>	Summons Issued as to Ami Dolenz. (eds),(ps) (Entered: 03/08/2010)
03/23/2010	<u>29</u>	<i>Defendant's</i> ANSWER to Amended Complaint by Defendant U.S. Department of Justice. (Attachments: # <u>1</u> Certificate of Service) (Humphrey, Richard),(ps) (Entered: 03/23/2010)
03/23/2010	<u>30</u>	MOTION FOR SUMMARY JUDGMENT by Defendant U.S. Department of Justice. (Attachments:

		# <u>1</u> Certificate of Service) (Humphrey, Richard),(ps) (Entered: 03/23/2010)
03/23/2010	<u>31</u>	Brief in Support by Defendant U.S. Department of Justice re: <u>30</u> MOTION FOR SUMMARY JUDGMENT filed by U.S. Department of Justice (Humphrey, Richard),(ps) (Entered: 03/23/2010)
03/23/2010	<u>32</u>	Proposed Findings of Fact filed by Defendant U.S. Department of Justice re: <u>30</u> MOTION FOR SUMMARY JUDGMENT filed by U.S. Department of Justice (Humphrey, Richard),(ps) (Entered: 03/23/2010)
03/23/2010	<u>33</u>	Exhibit to <u>29</u> Answer to Amended Complaint filed by U.S. Department of Justice (Humphrey, Richard),(ps) (Entered: 03/23/2010)
03/23/2010	<u>34</u>	Declaration of David M. Hardy filed by Defendant U.S. Department of Justice re: <u>30</u> MOTION FOR SUMMARY JUDGMENT filed by U.S. Department of Justice (Humphrey, Richard),(ps) (Entered: 03/23/2010)
03/23/2010	<u>35</u>	Exhibit to <u>30</u> Motion for Summary Judgment filed by U.S. Department of Justice <i>Exhibit A, FOIA/Privacy Act request dated 1-23-09</i> (Attachments: # <u>1</u> Exhibit B, 2-6-09 Letter from FFBI re appeal rights to no records response, # <u>2</u> Exhibit C, 2-16-09 Appeal letter from Kromrey to FBI, # <u>3</u> Exhibit D, 3-5-09 Acknowledgement letter from OIP to Kromrey, # <u>4</u> Exhibit E, 6-2-09 Letter from OIP Affirming FBI's Action, # <u>5</u> Exhibit F, 8-24-09 Letter from FBI releasing 15 pages to Kromrey, # <u>6</u> Exhibit G, FBI's 2nd Set of Searches and release of documents) (Humphrey, Richard),(ps) Modified on 3/23/2010; Exhibit A contains SS# and DOB (sealed per filer request); contacted filer as to 5.2 Mandatory Redaction Rule. (mmo). (Entered: 03/23/2010)
03/26/2010		Set Deadlines as to <u>30</u> MOTION FOR SUMMARY JUDGMENT. [<u>Pro Se Summary Judgment Procedure for Cases Assigned to Judge Crabb</u> attached.] Plaintiff's Brief in Opposition due 4/22/2010. Defendant's Brief in Reply due 5/3/2010. (elc),(ps) (Entered: 03/26/2010)
03/31/2010	<u>36</u>	Order Reassigning Case. Case reassigned to District Judge William M. Conley and Magistrate Judge Stephen L. Crocker for all further proceedings. Signed by District Judge William M. Conley on 3/31/2010. (lak),(ps) (Entered: 03/31/2010)
04/01/2010		Set/Reset Trial Deadlines/Hearings: Court Trial set for 8/23/2010 at 9:00 AM. (lak),(ps) (Entered: 04/01/2010)
04/12/2010	<u>37</u>	Response to <u>27</u> from Plaintiff Mark Kromrey regarding service on Defendant Dolenz. (Attachments: # <u>1</u> Address search, # <u>2</u> Letter to Defendant Dolenz, # <u>3</u> Certified mail receipt, # <u>4</u> Certificate of Service, # <u>5</u> Envelope) (jef),(ps) Modified on 4/13/2010 (elc). Modified on 6/25/2010 (eds). (Entered: 04/12/2010)
04/20/2010	<u>38</u>	Response to <u>27</u> Order from plaintiff regarding service of Defendant Dolenz by Plaintiff Mark Kromrey. (Attachments: # <u>1</u> March service attempts, # <u>2</u> April service attempts, # <u>3</u> Certificate of Service, # <u>4</u> Envelope) (jef),(ps) (Entered: 04/21/2010)
04/28/2010	<u>39</u>	Response re: <u>27</u> Order on Motion to Amend Complaint by Plaintiff Mark Kromrey. (Attachments: # <u>1</u> Letter to Bill Slevin, # <u>2</u> Visual Magic webpage, # <u>3</u> Visual Magic registration webpage, # <u>4</u> Envelope) (jef),(ps) (Entered: 04/28/2010)
04/28/2010	<u>40</u>	Brief in Opposition and Response to Proposed Findings of Fact by Plaintiff Mark Kromrey re: <u>30</u> MOTION FOR SUMMARY JUDGMENT filed by U.S. Department of Justice. (Attachments: # <u>1</u> Exhibit 1 - Letter to Senator Russ Feingold,

		# <u>2</u> Exhibit 2 – Freedom of Information/Privacy Acts requests and response, # <u>3</u> Exhibit 3 – Letters to U.S. Department of Justice, Solicitor General, Senator Barbara Boxer w/ FedEx receipt, and article, # <u>4</u> Exhibit 4 – FBI Civil Rights – Color of Law webpage, # <u>5</u> Certificate of Service) (jef),(ps) (Entered: 04/28/2010)
05/11/2010	<u>41</u>	Brief in Reply in Support re: <u>30</u> MOTION FOR SUMMARY JUDGMENT filed by U.S. Department of Justice <i>Defendant U.S. Department of Justice's Reply re Plaintiff's Response to Defendant's Motion for Summary Judgment</i> (Attachments: # <u>1</u> Certificate of Service) (Humphrey, Richard),(ps) (Entered: 05/11/2010)
05/20/2010	<u>42</u>	Summons Returned Executed as to Defendant Ami Dolenz by Plaintiff Mark Kromrey. (jef),(ps) (Entered: 05/20/2010)
05/20/2010	<u>43</u>	Letter from Plaintiff Mark Kromrey dated 5/17/10. (Attachments: # <u>1</u> Certificate of Service, # <u>2</u> Envelope) (jef),(ps) (Entered: 05/20/2010)
06/01/2010	<u>44</u>	MOTION TO DISMISS by Defendant Ami Dolenz. (Green, Geri),(ps) (Entered: 06/01/2010)
06/01/2010	<u>45</u>	Brief in Support by Defendant Ami Dolenz re: <u>44</u> MOTION TO DISMISS filed by Ami Dolenz (Green, Geri),(ps) (Entered: 06/01/2010)
06/01/2010	<u>46</u>	Declaration of Ami Dolenz filed by Defendant Ami Dolenz re: <u>44</u> MOTION TO DISMISS filed by Ami Dolenz (Green, Geri),(ps) (Attachment(s): # <u>1</u> Exhibit A – Summons, # <u>2</u> Exhibit B – Notice of attempted service) (jef). Separated exhibits and added descriptions on 6/2/2010 (jef). (Entered: 06/01/2010)
06/02/2010		Set Deadlines as to <u>44</u> MOTION TO DISMISS. Plaintiff's Brief in Opposition due 6/22/2010. Defendant's Brief in Reply due 7/2/2010. (elc),(ps) (Entered: 06/02/2010)
06/02/2010	<u>47</u>	Certificate of Service by Defendant Ami Dolenz re <u>44</u> MOTION TO DISMISS (Green, Geri),(ps) (Entered: 06/02/2010)
06/06/2010	<u>48</u>	Notice by Defendant Ami Dolenz – <i>Notice of Unavailability</i> . (Green, Geri),(ps) Modified on 6/7/2010; not entitled to WD of WI. (mmo). (Entered: 06/06/2010)
06/10/2010	<u>49</u>	Brief in Opposition by Plaintiff Mark Kromrey re: <u>44</u> MOTION TO DISMISS filed by Ami Dolenz. (Attachments: # <u>1</u> Exhibit 1 – Letter to Ami Dolenz, 4/2/10, # <u>2</u> Exhibit 2 – Letter to Ami Dolenz, 10/8/09, # <u>3</u> Exhibit 3 – Excerpts from letters, # <u>4</u> Exhibit 4 – Letters to Russ Feingold and Ami Dolenz, # <u>5</u> Exhibit 5 – Ami Dolenz's Visual Magic webpages, # <u>6</u> Certificate of Service, # <u>7</u> Envelope) (jef). (Entered: 06/10/2010)
06/25/2010	<u>50</u>	ORDER granting <u>30</u> Motion for Summary Judgment; dismissing Plaintiff's claims against Defendant U.S. Department of Justice. Signed by District Judge William M. Conley on 6/25/2010. (eds),(ps) (Entered: 06/25/2010)
06/29/2010	<u>51</u>	Response to <u>50</u> Order, Clarification of proposed facts in complaint by Plaintiff Mark Kromrey. (Attachments: # <u>1</u> Letters to Senator Feingold and Congressman Ryan, # <u>2</u> Research Report for Congress re: Federal Tort Claims Act, # <u>3</u> Certificate of Service, # <u>4</u> Envelope) (jef),(ps) (Entered: 06/30/2010)
06/30/2010	<u>52</u>	Brief in Reply in Support re: <u>44</u> MOTION TO DISMISS filed by Ami Dolenz (Green, Geri),(ps) Emailed attorney to file a certificate of service on 7/1/2010 (jef). (Entered: 06/30/2010)
07/01/2010	<u>53</u>	Motion for Reconsideration by Plaintiff Mark Kromrey. (Attachments: # <u>1</u> Certificate of Service,

		# <u>2</u> Envelope) (jef),(ps) (Entered: 07/01/2010)
07/01/2010	<u>54</u>	Motion for presiding judge to disqualify himself by Plaintiff Mark Kromrey. (jef),(ps) (Entered: 07/01/2010)
07/01/2010	<u>55</u>	Certificate of Service <i>Reply to Plaintiff's Response to Defendant Ami Dolenz's Motion to Dismiss</i> by Defendant Ami Dolenz re <u>52</u> Brief in Reply (Green, Geri),(ps) (Entered: 07/01/2010)
07/07/2010	<u>56</u>	Letter from plaintiff. (Attachments: # <u>1</u> Letters, motions and definition of sadism, # <u>2</u> Envelope) (jef),(ps) (Entered: 07/07/2010)
07/08/2010	<u>57</u>	Motion to Compel an Answer by Plaintiff Mark Kromrey. Motions referred to Magistrate Judge Stephen L. Crocker. (Attachments: # <u>1</u> Letter to Senator Russ Feingold, 6/11/10, # <u>2</u> Envelope) (jef),(ps) (Entered: 07/09/2010)
07/08/2010	<u>58</u>	Corrected Copy of <u>51</u> Clarification of Proposed Facts in Amended Complaint by Plaintiff Mark Kromrey. (Attachments: # <u>1</u> The Federal Tort Claims Act: An Overview by Michael E. Quinton, Esq.) (jef),(ps) (Entered: 07/09/2010)
07/19/2010	<u>59</u>	ORDER granting <u>44</u> Motion to Dismiss ; denying <u>53</u> Motion for Reconsideration ; denying <u>54</u> Motion for disqualification. Signed by District Judge William M. Conley on 7/19/2010. (eds),(ps) (Entered: 07/19/2010)
07/19/2010	<u>60</u>	JUDGMENT entered in favor of Defendants dismissing the case. (PAO) (eds),(ps) (Entered: 07/19/2010)
07/23/2010	<u>61</u>	Response (unsigned) filed by plaintiff Mark Kromrey re <u>59</u> Order. (Attachments: # <u>1</u> Envelope) (eds),(ps) (Entered: 07/23/2010)
07/30/2010	<u>62</u>	Letter from Mark Kromrey. (Attachments: # <u>1</u> Envelope) (lak),(ps) (Entered: 07/30/2010)
07/30/2010	<u>63</u>	Response re: <u>59</u> Order on Motion to Dismiss, Order on Motion for Reconsideration, Order on Motion for Miscellaneous Relief, Order on Motion to Compel, by Plaintiff Mark Kromrey. (lak),(ps) (Entered: 07/30/2010)
08/18/2010	<u>64</u>	NOTICE OF APPEAL by Plaintiff Mark Kromrey as to <u>60</u> Judgment, <u>59</u> Order. Filing fee \$ 455 due. No Docketing Statement filed. (Attachments: # <u>1</u> Envelope) (jef),(ps) (Entered: 08/19/2010)
08/19/2010	<u>65</u>	Appeal Information Packet (mmo),(ps) (Entered: 08/19/2010)
08/19/2010	<u>66</u>	Transmission of Notice of Appeal, Appeal Information Sheet, Docket Sheet and Judgment to US Court of Appeals re <u>64</u> Notice of Appeal (Attachments: # <u>1</u> Info Sheet, # <u>2</u> Order, # <u>3</u> Judgment, # <u>4</u> Docket Sheet) (mmo),(ps) (Entered: 08/19/2010)
08/20/2010		USCA Case Number 10-2941 for <u>64</u> Notice of Appeal filed by Mark Kromrey. (elc),(ps) (Entered: 08/20/2010)
08/20/2010	<u>67</u>	USCA Appeal Fees received \$ 455 receipt number 8461 re <u>64</u> Notice of Appeal filed by Mark Kromrey. (jef),(ps) (Entered: 08/20/2010)
09/16/2010	<u>68</u>	Certified and Transmitted Record on Appeal to US Court of Appeals re <u>64</u> Notice of Appeal (Attachments: # <u>1</u> Certification) (mmo),(ps) (Entered: 09/16/2010)
03/11/2011	<u>69</u>	ORDER from USCA dismissing Appellee Ami Dolenz from appeal as to <u>64</u> Notice of Appeal filed by Mark Kromrey. (Attachments: # <u>1</u> Mandate) (jef),(ps) (Entered: 03/11/2011)
03/11/2011	<u>70</u>	ORDER from USCA vacating <u>69</u> USCA order and mandate as to <u>64</u> Notice of Appeal filed by Mark Kromrey. (jef),(ps) (Entered: 03/11/2011)

06/17/2011	<u>71</u>	JUDGMENT from USCA affirming with costs the judgment of the district court with respect to the Department of Justice and modifying and affirming the judgment with respect to Dolenz as to <u>64</u> Notice of Appeal filed by Mark Kromrey. No record to be returned. (Attachments: # <u>1</u> Appellate Opinion, # <u>2</u> Appellate Order denying petition for rehearing, # <u>3</u> Mandate) (elc),(ps) (Entered: 06/17/2011)
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